

REMARKS

Claims 47, 57-59, 64, 67, 72, 73, 75, 76, and 81 have been amended. Claims 56, 60, and 66 have been cancelled without prejudice. Claims 82-86 have been added. Thus, Claims 47-55, 57-59, 61-65, and 67-86 are pending in the application and are presented for consideration and examination in view of the foregoing amendments and the following remarks. The claim amendments are supported by, for example, Figures 9 and 11C-14 and the corresponding description as well as paragraphs [0034], [0062], [0090], [0125]-[0128] of the publication of the present application. No new matter is added by the amendments.

Discussion of Rejection Under 35 U.S.C. § 112

Claim 66 was rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. In response, Claim 66 has been cancelled to further prosecution. The Applicant is not conceding that Claim 66 fails to comply with the written description requirement and reserves the right to pursue Claim 66 in a divisional or continuation application. Withdrawal of the rejection is respectfully requested.

Claims Rejections under 35 U.S.C. § 102(e)

Independent Claims 47 and 75 were rejected under 35 U.S.C. § 102(e) as being anticipated by Swix et al. (US 2004/0250273). Independent Claims 76 was rejected under 35 U.S.C. § 102(e) as being anticipated by Shdema (US 2002/0072816). Independent Claims 47, 75, and 76 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tamayama (US 2002/0048381). Claims 47, 75, and 76 have been amended.

Independent Claims 47 and 75

Amended independent Claim 47 recites, for example, "a processor converting the received audio signal into a plurality of single-channel audio signals, each single-channel audio signal representing one of the multiple channels and being assigned to either a first group or a second group of audio signals, each group comprising at least one of the single-channel audio signals; a power amplifier module configured to amplify only the first group of audio signals; and a transmitter configured to transmit the unamplified second group of audio signals along with at

least one destination address to a plurality of speakers via a network, the destination address identifying one of the plurality of speakers for broadcasting at least one of the audio signals in the second group.” Amended independent Claims 75 recites “means for converting the received audio signal into a plurality of single-channel audio signals, each single-channel signal representing one of the multiple channels and being assigned to either a first group or a second group of audio signals, each group comprising at least one of the single-channel audio signals; means for amplifying only the first group of audio signals; and a transmitter configured to transmit the unamplified second group of audio signals along with at least one destination address to a plurality of speakers, via a network, the destination address identifying one of the plurality of speakers for broadcasting at least one of the audio signals in the second group.” Swix does not disclose at least these features.

Swix discloses a broadband multimedia gateway which receives a multimedia signal via a tuner/demodulator (102) from sources such as cable television, satellite television, or terrestrial broadcast television. The gateway is also connected to various information appliances via different communication links. The communication links include a broadband link (95), a Home-PNA port (141), a home RF transceiver (142), an IEEE 802.11 transceiver (143), and a Bluetooth transceiver (144). In operation, the gateway selects to receive a multimedia signal from one of the sources. The gateway then sends the selected multimedia signal to one of the information appliances via one of the communication links. See Figure 1 and paragraphs [0035]-[0044] of Swix.

In rejecting Claims 47 and 75, the Examiner has identified the different communication links (95, 141, 142, 143, and 144) as corresponding to the “multiple channels” recited in the Claims 47 and 75’s limitation of “the audio signal being encoded in a channel format having multiple channels.” As disclosed in Swix, the different communication links (95, 141, 142, 143, and 144) are physical communication links connecting the gateway to the information appliances. However, the “multiple channels” recited in Claims 47 and 75 are part of the “audio signal” as recited in Claims 47 and 75. In contrast, the communication links of Swix are not part of the multimedia signals, but a physical channel over which the multimedia signal is transmitted. Accordingly, the different communication links of Swix can not be the “multiple channels” as proposed by the Examiner.

In addition, Swix does not teach “converting the received multi-channel audio signal into a plurality of single-channel audio signals, each single-channel signal representing one of the multiple channels and being assigned to either a first group or a second group of audio signals, each group comprising at least one of the single-channel audio signals” and “transmit the unamplified second group of audio signals along with at least one destination address to a plurality of speakers via a network, the destination address identifying one of the plurality of speakers for broadcasting at least one of the audio signals in the second group” as recited in Claims 47 and 75. In Swix, the gateway does not change the received multi-media signal. Instead, the gateway merely forwards the received multimedia signal to the selected information appliance. Further, Swix does not teach “a power amplifier module configured to amplify only the first group of audio signals” as recited in Claim 47 or “means for amplifying only the first group of audio signals” as recited in Claim 75.

Accordingly for at least these reasons, independent Claims 47 and 75 are not anticipated by Swix. Therefore, Applicant respectfully submits that Claims 47 and 75 are allowable over Swix.

Tamayama neither discloses nor suggests “a transmitter configured to transmit the unamplified second group of audio signals along with at least one destination address to a plurality of speakers via a network, the destination address identifying one of the plurality of speakers for broadcasting at least one of the audio signals in the second group” as recited in Claims 47 and 75. The main body (20) illustrated in Figures 4A and 4B of Tamayama includes a first switch (21). The first switch (21) is employed to select either an analog input/output terminal (29) or a transmitter (32) connected to a television (17) for receiving digital data from an encoder (14). When the transmitter (32) is selected, the digital audio data is wirelessly transmitted to the television (17) which has a fixed set of speakers. The transmitter (32) does not transmit the signal to a selected speaker. The digital data is not amplified prior to passing through the switch (21).

Tamayama does not teach transmitting the signals along with a destination address to the speakers wherein “the destination address identifying one of the plurality of speakers for broadcasting at least one of the audio signals in the second group” as recited in Claims 47 and 75.

The transmitter (32) of Tamayama simply sends the signal to the television (17) which has a fixed set of speakers for broadcasting.

Accordingly for at least these reasons, independent Claims 47 and 75 are not anticipated by Tamayama. Therefore, Applicant respectfully submits that Claims 47 and 75 are allowable over Tamayama.

Independent Claims 76

Amended independent Claim 76 recites, for example, “a processor configured to decode the received audio signal into a plurality of single-channel audio signals, each single-channel audio signal representing one of the multiple channels and being assigned to either a first group or a second group of audio signals, each group comprising at least one of the single-channel audio signals;

a power amplifier module configured to amplify only the first group of audio signals received from the processor; and

a transmitter configured to transmit the unamplified second group of audio signals along with at least one control signal to at least one speaker via a network, wherein the control signal is to be used by the speaker to manipulate at least one of the audio signals in the unamplified second group.” Shdema does not disclose at least these features.

In rejecting Claim 76, the Examiner identified the CPU (120) of Shdema as corresponding to the “power amplifier module,” and the audio management system (102) as corresponding to the “processor” recited in Claim 76.

However, the CPU (120) of Shdema is not “a power amplifier module configured to amplify” audio signals as required by Claim 76. Paragraph [0042] of Shdema states that the CPU (120) “controls and manages the general operation of audio management system 102.” Nowhere does Shdema teach that the CPU (120) performs the function of audio amplifying. Further, the CPU (120) is not a “power amplifier module” which is defined by Claim 76 as receiving audio signals “from the processor.” The CPU (120) of Shdema is a part of the audio management system (102) and thus cannot receive a signal from the audio management system (102).

Further, the audio management system (102) is not “a processor configured to decode the received audio signal into a plurality of single-channel audio signals, each single-channel audio

signal representing one of the multiple channels and being assigned to either a first group or a second group of audio signals, each group comprising at least one of the single-channel audio signals” as recited in Claim 76. The Examiner relied on the output signal from the adaptive analyzer (126) and the output signal from the equalizer (130) in rejecting Claim 76. However, Shdema does not teach these signals are “a plurality of single-channel audio signals” generated by decoding the received multi-channel audio signal.

Accordingly for at least these reasons, independent Claim 76 is not anticipated by Shdema. Therefore, Applicant respectfully submits that Claim 76 is allowable over Shdema.

Tamayama neither discloses nor suggests “a transmitter configured to transmit the unamplified second group of audio signals along with at least one control signal to at least one speaker via a network, wherein the control signal is to be used by the speaker to manipulate at least one of the audio signals in the unamplified second group” as recited in Claim 76. Tamayama merely teaches sending unamplified digital audio data via the transmitter (32) to a television (17). See Figure 4A and the corresponding description of Tamayama. Tamayama does not teach sending a “control signal” as recited in Claim 76 with the audio data.

Accordingly for at least these reasons, independent Claim 76 is not anticipated by Tamayama. Therefore, Applicant respectfully submits that Claim 76 is allowable over Tamayama.

Dependent Claims

Claims 47-55, 57-59, 61-65, and 67-86 are pending in the application. Dependent Claims 48-55, 57-59, 61-65, 67-74, and 77-86 are depend directly or indirectly from Claims 47 and 76 and, thus, are patentable for at least the same reasons that the claim from which they depend is patentable over the art of record. Therefore, allowance of Claims 48-55, 57-59, 61-65, 67-74, and 77-86 is respectfully requested.

No Disclaimers or Disavowals

To the extent that any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, the Applicant hereby rescind and retract such disclaimer. Accordingly, the listed or referenced art in the related patents may need to be re-visited.

Application No.: 10/783,718
Filing Date: February 20, 2004

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is earnestly requested.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole.

Applicant has not presented all arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the securement devices recited by the pending claims.

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney, James Herkenhoff at (619) 687-8663 (direct line), in order to resolve any such issue promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: _____


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